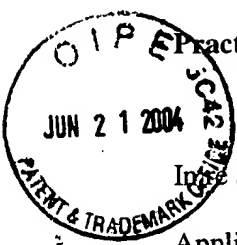


1616
JFW



Practitioner's Docket No. 1540/139

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Laszlo Prokai, James W. Simpkins

Application No.: 09/893,324

Group No.: 1616

Filed: 06/27/2001

Examiner: Qazi, Sabiha N.

For: Alkyl Ether Modified Polycyclic Compounds Having a Terminal Phenol and Uses for Protection of Cells

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is a small entity. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Date: June 17, 2004

Signature

Barbara J. Carter

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	6	— 46	= 0	x \$ 9.00	= \$	0.00	
INDEP.	1	— 7	= 0	x \$ 43.00	= \$	0.00	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$ 0.00	= \$	0.00	
TOTAL ADDIT. FEE					\$	0.00	

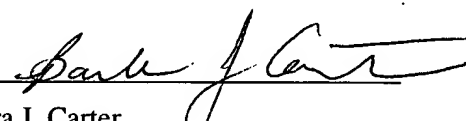
No additional fee for claims is required.

FEE DEFICIENCY

5. An additional extension and/or fee is required, charge Account No. 19-4972.

An additional fee for claims is required, charge Account No. 19-4972.

Date: June 17, 2004


 Barbara J. Carter
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 Bromberg & Sunstein LLP
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 Customer No. 02101



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Prokai et al.
Serial No.: 09/893,324
Filed: June 27, 2001
Entitled: ALKYL ETHER MODIFIED POLYCYCLIC
COMPOUNDS HAVING A TERMINAL PHENOL
AND USES FOR THE PROTECTION OF CELLS

Att'y Docket: 1540/139
Art Unit: 1616
Examiner: Sabiha Naim Qazi

CERTIFICATE OF MAILING

I hereby certify that this document, along with any other papers referred to as being attached or enclosed, is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, Alexandria, VA, 22313, on June 17, 2004.

Barbara J. Carter, Ph.D.

Honorable Commissioner of Patents
Alexandria, VA

RESPONSE D - Interview Summary

Dear Sir:

Applicants would like to express appreciation for the telephone interview of May 11, 2004, and submit this communication in response to the Advisory Action of May 17, 2004. On May 11, 2004, Attorney Barbara J. Carter discussed the status of the response filed on April 11, 2004 with Examiner Qazi, as well as pending amendments to the claims. Attorney Carter also mentioned corrections to Figure 9A in prior art reference U.S. Patent No. 5,554,601 that were made by Certificate of Correction, but although Applicants sent a copy of the Certificate of Correction for this patent with the Response C filed on April 11, 2004, Examiner Qazi said that there was no such copy in the file. Therefore, any arguments based on the Certificate of correction to overcome the reference had not been considered.

Attorney Carter and Examiner Qazi agreed that it was not possible to come to agreement on allowable language within such a short time frame, especially without the complete Response of April 11, 2004 in front of the Examiner. Therefore, it was agreed that Applicants would file an RCE, along with another copy of the Response C of April 11, 2004 which included a copy of the Certificate of Correction filed for US Pat. No.

5,554,601, and additional discussions concerning this application would occur at a later date.

In conclusion, Applicants do not believe that an extension of time is required for timely consideration of this application, and that no fees are required. If fees are required for the timely consideration of this application, however, Applicants authorize the Commissioner to charge deposit account number 19-4972 for payment of any such fees.

Date: June 17, 2004

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Barbara J. Carter', written in black ink.

Barbara J. Carter, Ph.D.
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